

REMARKS

By this amendment, Applicants amend claims 1, 10, and 20. Support for the amendments is found in Applicants' specification at, for example, page 13. Claims 1-4, 6, 8-15, and 20-26 are pending in this application.

In the Final Office Action¹, the Examiner took the following actions:

rejected claims 1-4, 6, 8, 9, 10-13, 15, 20-23, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Haber (U.S. Re, 34,954) in view of Pasieka (U.S. Patent No. 6,587,945), Falls (U.S. Patent No. 6,247,149), and Byrd (U.S. Patent No. 6,081,899); and

rejected claims 14 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Haber in view of Falls, Byrd, and X.509.

Applicants respectfully traverse the above rejections. A *prima facie* case of obviousness has not been established for at least the following reasons.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008) (internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). In rejecting a claim, "Office personnel must explain why

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Although Applicants respectfully disagree with the allegations in the Final Office Action, Applicants have amended independent claim 1 to even further distinguish the claim from the cited references. For example, amended independent claim 1 recites a computer-implemented method for authenticating an electronic message including, among other steps, “receiving, at an authentication server, at a predetermined time, the electronic message from a sender computer that automatically generated the electronic message, the electronic message comprising message data and an electronic mail address of a recipient.”

In Haber, the disclosed “method entails an author's preparation of a digital document, which may broadly comprise any alphanumeric, audio, or pictorial presentation, and the transmission of the document, preferably in a condensed representative form, to the TSA.” Haber, col. 2, line 65 to col. 3, line 3 (emphasis added). Accordingly, Haber discloses that an author creates a document that is transmitted to a time-stamping agency (TSA). However, Haber does not disclose or suggest (1) receiving an electronic message, at an authentication server, at a predetermined time or (2) receiving an electronic message by an authentication server that was automatically generated by a sender computer. Therefore, Haber does not teach or suggest “receiving, at an authentication server, **at a predetermined time**, the electronic message **from a sender computer that automatically generated the electronic message**, the electronic message comprising message data and an

electronic mail address of a recipient,” as recited in amended independent claim 1 (emphases added).

The other cited references, Byrd, Falls, Pasieka, and X.509, do not compensate for the deficiencies of Haber and Byrd that were discussed above. That is, the other cited references also do not teach or suggest “receiving, at an authentication server, at a predetermined time, the electronic message from a sender computer that automatically generated the electronic message, the electronic message comprising message data and an electronic mail address of a recipient,” as recited in independent claim 1.

As explained above, the elements of independent claim 1 are neither taught nor suggested by the cited references, and the Final Office Action has cited no factors which would motivate one of ordinary skill in the art to modify the disclosures thereof to achieve the claimed combination. Consequently, the Final Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claim. Therefore, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in view of the prior art and a *prima facie* case of obviousness has not been established for at least the above reasons.

Independent claims 10 and 20, while of a different scope from each other and claim 1, include recitations similar to those discussed above in connection with claim 1. Accordingly, for reasons similar to those discussed above, the cited references, individually or in combination, fail to teach or suggest all of the elements of claims 10 and 20. Accordingly, claims 10 and 20 are not obvious in view of the cited references

for at least the reasons discussed above and the Examiner should withdraw the rejection of these claims under 35 U.S.C. § 103(a).

Claims 2-4, 6, 8, 9, 11-15, and 21-26 depend from one of independent claims 1, 10, and 20. Accordingly, claims 2-4, 6, 8, 9, 11-15, and 21-26 are not obvious in view of the cited references at least due to their dependence. Therefore, the Examiner should also withdraw the rejection of these claims under 35 U.S.C. § 103(a).

CONCLUSION

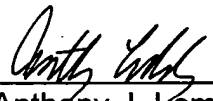
In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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